

UNITED STATES DISTRICT COURT
for the
Southern District of Indiana

SCANNED at WVCF and Emailed on
9-3-20 by by 5 pages.
(date) (Initials) (num)

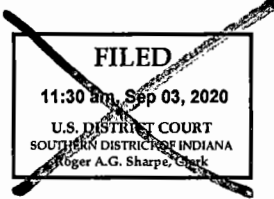
JOE HOWARD MCCLAIN

Plaintiff(s),

vs.

MELODEE SUE DICKERSON, et al.

Defendant(s).



2:20-cv-00430-JPH-MJD

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO MAGISTRATE JUDGE

Notice of magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to the currently assigned magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to magistrate judge's authority. If all parties consent to have the currently assigned United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings, they should sign their names below (electronically or otherwise). Should this case be reassigned to another magistrate judge, any attorney or party of record may object within 30 days of such reassignment. If no objection is filed, the consent will remain in effect. NOTICE: This document is eligible for filing only if executed by all parties. The parties can also express their consent to jurisdiction by a magistrate judge in the Case Management Plan.

<i>Parties' printed names</i>	<i>Signatures of parties or attorneys</i>	<i>Dates</i>
<u>Joe Howard McClain</u>	<u>Pro Se</u>	<u>9-1-2020</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Reference Order

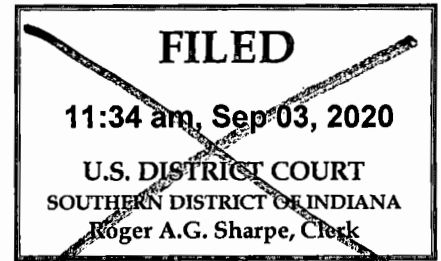
IT IS ORDERED: This case is referred to the currently assigned United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73. Should this case be reassigned to a magistrate judge other than the magistrate judge assigned the date of this order, any attorney or party of record may object within 30 days of such reassignment. If no objection is filed, the consent will remain in effect.

Date: _____

District Judge's signature

Printed name and title

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA



Joe Howard McClain
Full name of plaintiff(s)

v.

Case No.

2:20-cv-00430-SPH-MSD

Melodee S. Duckerson
Full name of defendant(s)

MOTION FOR ASSISTANCE WITH RECRUITING COUNSEL

I request the court's assistance recruiting counsel to represent me in this action.

(Note: You may attach additional pages to this motion.)

I. Financial Status

Have you previously filed a "Request to Proceed in Forma Pauperis" (an IFP application)? Please check the appropriate box below:

☐ I have previously filed an IFP application in this case, and it is a true and correct

representation of my current financial status.

☒ I have not previously filed an IFP application in this case and now attach an original IFP application

showing my financial status.

☐ I have previously filed an IFP application in this case, but my financial status has

changed. I have attached a new IFP application showing my current financial status.

II. Attempts to Obtain Counsel

The law requires persons requesting assistance with recruiting counsel to first make a reasonable attempt to obtain counsel on their own or demonstrate that they have been effectively precluded from doing so. List all attorneys and/or law firms you have contacted to represent you in this case and their responses to your requests. If you have limited access to the telephone, mail, or other communication methods, or if you otherwise have had difficulty contacting attorneys, please explain.

I have requested ACLU organization they said they would like to handle the case but they don't do criminal cases. I also written a letter to Bar association and requested for assistance I received no response! I written Disability for some assistance they said they was funded to help People that have a Disability like me.

III. Ability to Litigate the Case

1) Do you have any difficulty reading or writing English?

NO. but I have difficulty understanding the law!

2) What is your educational background (including how far you went in school)?

I went To 11th Grade, I can read and write but I have no training in criminal law. I can understand how they Violated me but I can't word it like I such!

3) Do you have any physical or mental health issues that you believe affect your ability to litigate this case on your own? If so, what are they?

I can't understand the law, because I have no training in criminal law in how to prepare a case!

4) Have you received any assistance with this case from others, including other inmates? If so, describe the assistance you have received and whether you will continue to receive it.

no. I have read law Books for 40-Plus years on learning how I was Violated!

5) List any other cases you have filed without counsel, and note whether the Court recruited counsel to assist you in any of those cases.

I have not had any other cases, that I needed to handle this is the only case I have had that I did not commit?

6) Describe any other factors you believe are relevant to your ability to litigate this case on your own.

I have been here for 1 year and I can not read any law Books because these People here do not allow you to even go to the library, law. unless you Phase up to a 5 phase.

IV. Requirements for the Recruitment of Counsel

By filing this motion, I agree to the following conditions:

- While I set the objectives of the litigation, I acknowledge it is usually counsel's choice as to the strategies used to accomplish that objective.
- I will fully cooperate with recruited counsel. If I do not do so, I understand that recruited counsel may withdraw.
- I understand that counsel is not responsible for paying the costs associated with my lawsuit.
- I understand that I am not entitled to free legal counsel and that recruited counsel may require me to enter into a contingency fee agreement in order to represent me in this action.
- I understand that a portion of any monetary recovery (not to exceed 25%) may be used to satisfy the amount of attorney's fees awarded under 42 U.S.C. § 1988. This requirement is imposed by the Prison Litigation Reform Act, 42 U.S.C. § 1997e(d).
- I understand that even if the Court grants this motion, I will receive counsel only if an attorney volunteers to take my case and that there is no guarantee that an attorney will volunteer to represent me.
- I understand that if my answers in this motion or in my IFP application are false, I may be subject to sanctions, including the dismissal of my case.

I declare under penalties for perjury that the above statements are true and correct:

9/1/2020
Date

Joe Howard McClain
Signature- Signed under penalty of perjury